

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1245 - SB 1152

February 13, 2023

SUMMARY OF BILL AS AMENDED (003707): Authorizes a person who commits an offense or has committed an offense for which the person is sentenced to the punishment of death to elect to be executed by firing squad by signing a written waiver waiving the right to be executed by lethal injection or electrocution.

FISCAL IMPACT OF BILL AS AMENDED:

Increase State Expenditures – Exceeds \$50,000/FY23-24

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 40-23-114(e)(1)-(2), for any person who commits an offense or has committed an offense for which the person is sentenced to the punishment of death, the method of carrying out the sentence shall be by lethal injection. The alternative method of carrying out a sentence of death is by electrocution. The alternative method is authorized to be used if:
 - Lethal injection is held to be unconstitutional by a court of competent jurisdiction; or
 - The Commissioner of DOC certifies to the Governor that one or more of the ingredients essential to carrying out a sentence of death by lethal injection is unavailable through no fault of the DOC.
- The DOC will require facility renovations to accommodate a sentence of death by firing squad. The costs of such renovations are unknown but are reasonably assumed to exceed \$50,000.
- The one-time increase in state expenditures for DOC facility renovations is estimated to exceed \$50,000 in FY23-24.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

Krista Lee Carsner, Executive Director

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